



Commission on Disability
Meeting Agenda: March 13, 2024 at 5pm
North Berkeley Senior Center, Dining Room
1901 Hearst Avenue, Berkeley, CA 94709

Preliminary Matters

1. Call to Order by Chair Fischer
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
4. Public Comments
5. The public may comment about any item not on the agenda. Public comment on agenda items are heard at the beginning of discussion on that item. Public comments are limited to three minutes per speaker.
6. Approval of draft minutes: February 14, 2024 meeting*
7. Approval: Order of Agenda*

Presentations and Discussions

8. Daylighting: changes to State parking regs and effects on the community*
 Presenter: Hamid Mostowfi, CoB Public Works (20 minutes)
9. Berkeley Rides for Seniors and the Disabled
 Presenter: Mary Triston, CoB Aging Services (20 minutes)

Staff Updates (Secretary Gregory, 15 minutes)

10. Log of Access Complaints*
11. Email and voicemail sent to the Commission*

Discussion and Action Items

12. Changes to Commission meeting calendar (Chair Fischer, 5 minutes)
13. Email from Ken Jung on Ohlone Greenway project* (Chair Fischer, 15 minutes)
14. Curb Management doc* from Environment and Climate Commission
 (Chair Fischer, 5 minutes)
15. Report by Web Access Sub-Committee (Com. Sun, 30 minutes)
16. Work Plan Updates and Developments (Chair Fischer, 30 minutes)
 - a. Feasibility and ideas on joint working groups with other commissions
 - i. Parks, Rec and Waterfront: accessible programming and waterfront project
 - ii. Commission on Aging: sidewalk, pathway safety

Commissioner Reports and Announcements

Items for CoD Work Plan and Future Meetings

- a. Civic Center Subcommittee Briefing
- b. Safer pathways map of Berkeley (perhaps produced with CoAging)
- c. Accessibility of speakers' lectern
- d. Use of motorized scooters and bicycles on sidewalks

Adjournment

- * **Written material included in packet.**
- ** **Written material to be delivered at meeting.**
- *** **Written material previously distributed.**

PUBLIC ACCESS TO AGENDA

Agenda posted: 1) on the bulletin board at Old City Hall (2134 MLK Jr. Way); 2) North Berkeley Senior Center (1901 Hearst Avenue); 3) City of Berkeley website ([link](#))

A complete monthly agenda packet is available for public review by clicking the chevron (i.e., the blue V-shaped symbol) to the right of the monthly minutes PDF at <https://berkeleyca.gov/your-government/boards-commissions/commission-disability>. Physical agenda packets are reviewable during business hours at the Berkeley Central Library (2090 Kittredge St.) and at 1947 Center Street, 4th Floor.

ADA ACCOMMODATIONS

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including remote participation, auxiliary aids or services, please contact the **ADA Program Coordinator at (510) 981-6418 (V) or (510) 981-6347 (TDD)** at least 72 hours before the meeting commences. Please refrain from wearing scented products to this meeting.

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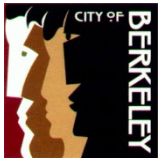
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4th Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

Secretary:

Thomas Gregory
Public Works Department
(510) 981-6418
E-mail: tgregory@berkeleyca.gov

Mailing Address:

Commission on Disability
c/o Thomas Gregory
1947 Center Street
Berkeley, CA 94704



Commission on Disability

DRAFT Minutes re February 14, 2024

Preliminary Matters

1. Call to Order by Chair Fischer at 5:05pm.
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People.
3. Roll Call by Secretary
 - Commissioners present: Vice-Chair Walsh, Chair Fischer, Commissioner Pugh, Commissioner Sun, Commissioner Lewkowicz, Commissioner De La Paz, and Commissioner Marrero.
 - Commissioners absent: none.
 - Staff present: Thomas Gregory and Guillermo Campos.
 - Public members present: Rani Cochran (liaison from the Commission on Aging) and Marcus (surname unknown).
4. Public Comments: Rani Cochran introduced herself as the Commission on Aging's liaison to the Commission on Disability (CoD) and expressed her intention to regularly attend future CoD meetings.
5. Approval of draft minutes: January 10, 2024 meeting
 - "...to approve the draft minutes for the 1/10 meeting."
 - Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.
 - Ayes: all except for Commissioner Marrero.
 - Nays: none.
 - Abstentions: Commissioner Marrero.
 - The motion passes.
6. Approval: Order of Agenda
 - "...to remove Item #13 and otherwise approve agenda."
 - Moved by: Chair Fischer; seconded by: Commissioner Sun.
 - Ayes: unanimous.
 - The motion passes.

Commissioner Reports/Announcements

7. Welcome and introductions by new and current Commissioners

Staff Updates

8. Log of Access Complaints

9. Email and voicemail sent to the Commission.

In addition to the message for CoD that was contained in the meeting's packet of materials, a 2/6 email message to CoD from Carol Hirth was read aloud and distributed...a copy of this message will appear in the packet for CoD's March meeting.

There was a consensus among Commissioners to address, via communication with City Council, the dangerous and unlawful use of motorized scooters and bicycles on City sidewalks.

Presentations – not applicable this month.

Discussion/Action Items

10. Updates to City of Berkeley ADA Grievance Form

"...to vote on the City's proposed edits to the ADA Grievance Procedure/Form."

Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.

Abstentions: unanimous.

The motion does not pass.

There was consensus among the Commissioners, who unanimously abstained from voting, that a yes/no vote (a) would create the false impression that CoD has a role in the City of Berkeley's ADA grievance procedure, which is fully conducted by City staff, and (b) because updating the form to reflect City staff changes, whether to ADA staff or City department contacts, is an ongoing administrative staff responsibility.

11. Nomination and election of CoD Chair and Vice-Chair.

"...to both nominate and elect current Chair Fischer to a new one-year term."

Moved by: Commissioner Lewkowicz; seconded by: Commissioner Sun.

Roll call vote conducted.

Vice-Chair Walsh: Aye. Chair Fischer: Aye. Commissioner Pugh: Aye.

Commissioner Sun: Aye. Commissioner Lewkowicz: Aye. Commissioner De La Paz: Aye. Commissioner Marrero: Aye.

The motion passes unanimously, and Chair Fischer remains the Chair till Feb2025.

"...to both nominate and elect current Vice-Chair Walsh to a new one-year term."

Moved by: Commissioner Lewkowicz; seconded by: Chair Fischer.

Roll call vote conducted.

Vice-Chair Walsh: Aye. Chair Fischer: Aye. Commissioner Pugh: Aye.

Commissioner Sun: Aye. Commissioner Lewkowicz: Aye. Commissioner De La Paz: Aye. Commissioner Marrero: Aye.

The motion passes unanimously, and Vice-Chair Walsh remains the Vice-Chair till Feb2025.

12. Work Plan Updates and Developments

- a. Review of priorities
- b. Brainstorm next steps and timelines
- c. Establishing subcommittees

“...to create a Web Access/WCAG Compliance Subcommittee with Commissioner Sun, Vice-Chair Walsh, and Commissioner Marrero as its three members.”

Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.

Ayes: unanimous.

The motion passes, and the Web Access/WCAG Compliance Subcommittee is established.

- d. Schedule of presentations to advance Work Plan priorities

Items for CoD Work Plan and Future Meetings

- a. Civic Center Subcommittee Briefing
- b. Safer pathways map of Berkeley (perhaps produced with CoAging)
- c. Accessibility of speakers' lectern
- d. Use of motorized scooters and bicycles on sidewalks

Adjournment – adjourned by unanimous vote at 7:50pm.

Minutes approved by CoD vote on: _____

Thomas Gregory, Secretary to Commission

2024 Log of Access-related Complaints Received by CoB (including unresolved complaints received in 2023)

Subject matter key:

1 = built environment (facilities and their adjacent paths of travel)

2 = built environment (pedestrian rights of way)

3 = digital content

4 = effective communications/signage

5 = programs, services, and activities

Date Complaint Lodged	Lack of Access Pertaining To	Date the City deemed a solution was implemented	Nature of solution	Solution's level of compliance with law	Complainant's level of satisfaction with solution
5/12/23	5 – letter to City Attorney and City Clerk, that City must change accommodations for disabled Commissioners that require publicly posting addresses and opening homes to public; based on the legal opinion of the SF City Attorney that the Brown Act must defer to the ADA, Title II	7/7/23 (or sooner)	N/A as City did not see a need for any solution other than providing reasonable accommodations as needed.	Litigation pending	Unsatisfied

6/8/23	3 – Commissioners' Manual not fully accessible via screen reader.	not yet	On 6/13/23, the City Clerk wrote: "My office will plan to create a version of the Manual that blacks out the text entirely and works with screen readers." ETA: 2024.	Once implemented, solution will be compliant.	Yet to be satisfied.
6/8/23	3 – same as above, but with additional concern that much more content on City website could be out of compliance with WCAG.	6/14/23	On 6/14, the City's Digital Communications Coordinator wrote that all City-generated web content meets WCAG standards. Re content on the City's website generated by third parties (e.g., Granicus), the City will insist that this third parties ensure that their content meets WCAG, and specific City staff are responsible for ensuring that these third parties cure any identified instances of non-compliance.	Assuming solution is implemented consistently on an ongoing basis, it is compliant.	Unknown (but likely not very satisfied).
6/16/23	5 – grievance that following Brown Act would defeat the purpose of one's accommodation to	7/3/23	For the City to waive Brown Act requirements, an accommodation dependent upon the submission of medical	Litigation pending.	Unsatisfied.

	teleconference into Commission meetings.		documentation was offered to complainant.		
6/23/23	5 – letter from attorney saying that the City has imposed unsafe conditions on accommodations for disabled Commissioners and must allow Brown Act obligations to yield to ADA obligations when the two statutes appear to conflict.	7/7/23	City Attorney's office responded to complainant with letter stating that the City is following the law as the law is understood by the City.	Litigation pending.	Unsatisfied.
7/26/23	5 – no curb cut connecting parking lot with sidewalk adjacent to John Hinkle Park.	not yet	The City's Supervising Civil Engineer has claimed responsibility for performing this remediation. ETA re curb cut: March2024 ETA re addition of blue spot: April2024	Not yet applicable...when a solution is implemented, it will be compliant.	Not yet applicable.
8/28/23	1 – constituent complained that The Stegmann Trail at Cesar Chavez Park is too bumpy and out of compliance.	9/5/23	PRW staff informed complainant of existing plans to render the trail ADA compliant tentatively scheduled to commence in Sep2024.	Not yet applicable, but solution, once implemented, will be compliant.	Satisfied (with tentative timeline, that is...the actual remediation has yet to happen)
12/1/23	1 - Complaint that STAIR Center was not ADA-compliant.	Not yet.	I explained the situation in much detail to complainant,	No compliant solution yet implemented.	Unsatisfied.

			<p>acknowledging that the site was not compliant in 95 different ways. I explained that the issues would not be remediated until after the site's trailer-based structures were replaced with pallet-based structures, which was scheduled to happen in late FY2023-24. This complainant was part of a coalition of advocates concerned about this particular site, and on 12/20 I spent two hours at CIL discussing the issues with the coalition.</p> <p>Update: the "late FY2023-24" ETA re replacing trailers with pallet-based structures has been abandoned, and the new ETA is: October - Jan 2025.</p>		
1/16/24	5 – request for City-sponsored team sports programs designed specifically for kids with disabilities.	Not yet	CM Harrison will confer with PRW Director, Harrison's CoD commissioner, and Harrison's Parks Commission	Compliant	Unknown...likely unsatisfied.

			<p>commissioner to explore potential solutions.</p> <p>Update: following CM Harrison's resignation, I am not aware of any effort to explore the establishment of City-delivered accessible team sports for kids.</p>		
1/28/24	2 – complaint about non-compliant sidewalk near NE corner of MLK and Derby.	Not yet	Confirmed that this violation was already documented in database (it was)...asked Transpo/Engineering staff if this issue could be prioritized.	No compliant solution yet implemented.	Unsatisfied.
1/29/24	5 – complaint about non-staff permit holder at Tom Bates Sports Complex not adequately tolerating service animal on soccer field.	1/30/24	This particular permit holder educated about obligation to tolerate service animals. Plans made to educate all permit holders on this topic prior to re-permitting.	Compliant	Unknown.
2/26/24	3, 4, and 5 – complaint that Form 700 is not available as a WCAG-compliant soft copy or as a large-print hard copy.	Not yet	CA FPPC, which created Form 700 (which CA requires the City to use) will generate a WCAG-compliant soft version and a large-print hard version and will provide these versions to the	Not yet.	Not yet.

			City for distribution as needed.		
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The above list does not reflect accommodation requests that were promptly approved and met to the requester's satisfaction.

Email sent 2/6/24:**From:** Carol Hirth <chirth@mac.com>**Sent:** Tuesday, February 6, 2024 7:07 PM**To:** Bronson, Darlene <DBronson@berkeleyca.gov>; Gregory, Thomas <TGregory@berkeleyca.gov>; Miller, Roger <RMiller@berkeleyca.gov>; Mostowfi, Hamid <HMostowfi@berkeleyca.gov>; Nevels, Ronald <RNevels@berkeleyca.gov>**Cc:** mfreeman@thecil.org <mfreeman@thecil.org>**Subject:** Ohlone Pedestrian and Bike path

Dear Commissioners:

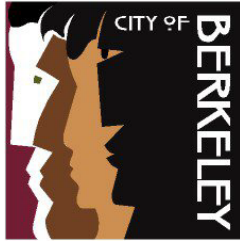
I am writing, again, to urge you to reconsider and make sure the Ohlone Path, particularly between Gilman Street and Cedar Street, also until it reaches Sacramento Street, includes a separate, ADA compliant, pedestrian path.

Bicycles, especially electric bikes, scooters, especially electric scooters, pose a significant danger to pedestrians, including seniors, the disabled, people walking dogs, people with children, people with strollers. There have been numerous incidents in which those on bikes and scooters have only barely missed colliding with pedestrians. Bikes and scooters seem to think they have the right of way, whether approaching pedestrians from the front or from behind, expecting those on foot to get out of their way, rather than carefully giving pedestrians the right of way.

For the same reasons, NO electric bicycles and NO electric scooters should be allowed on any sidewalks in Berkeley. They are dangerous to pedestrians.

Thank you.

Carol Hirth
94702



Office of the Director

Public Works Department Policy and Procedure

Improving Visibility (Daylighting)

APWA Practice No [X.X]

Created: Nov 10, 2023

PURPOSE:

The policy is about implementation of City Council's referral on [Intersection Daylighting](#) and seeks to improve safety for all users of the City's streets through visibility improvements,

DEPARTMENTAL POLICY:

Safety is the primary priority. Loss of parking, while a tertiary concern, should only be removed with care, consideration, and proper justification. The Transportation Manager and Manager of Engineering are responsible for implementing this policy and procedure. Where visibility improvements are being implemented, a written notice may be sent to all properties within 300 feet of the subject location and all property owners as a courtesy. The notice shall indicate the direction from City Council to prioritize intersection improvements for improved safety, a generalized description of the planned improvements, and shall also reference and quote applicable municipal codes. Those contesting these improvements can bring their requests to the Transportation Manager, and if not satisfied with the resolution, to the Public Works Director for final resolution.

PROCEDURE:

Visibility may be reviewed on a case by case basis, whether proactively based on staff's concerns or reactively as part of a resident or business' request, or as part of other corridor projects. It can be reviewed at intersections, midblock crossings, heavily used driveways, or at electronic traffic control devices.

For all pavement management resurfacing projects, visibility improvements shall be implemented along all arterials and collectors, as defined in the City's Transportation Element of the General Plan. Current engineering standards such as the California Manual for Uniform Traffic Control Devices (CA MUTCD) and/or National Association of City Transportation Officials (NACTO) guidelines shall be the basis for determinations. This includes but is not limited to length of no parking zone necessary for sufficient visibility, parking space dimensions, and appropriate tools for improvements.

Every intersection is unique, and visibility can be impacted by many different factors. Where more than the minimum length of red curbs in advance of intersections is recommended by staff, a field visit is necessary. Staff shall use engineering judgment to recommend and justify parking removals. General applications shall only be used for guidance and will not automatically determine final recommendations for visibility at each individual intersection. For situations where parking may be removed from a corner, careful consideration should be made where a few feet less of no parking zone would provide sufficient visibility while also maintaining on-street parking supply.

However, no parking shall be permitted within 20 feet of intersections along collector and arterial streets. The length of a no parking zone may also be extended in cases where the nominal length would not leave sufficient space for an integer number of on-street parking stalls between a corner and the end of the parking zone (e.g. driveway, red curb, etc.).

In addition, the following guidance shall apply:

1. At intersections along arterials and collectors, parking shall be prohibited along the arterial and collector for a minimum of 20 feet before and after the intersection.
2. The installation of a new 20 feet no parking zone may be in addition to an existing no parking zone at the corner.
3. At mid-block crosswalks, parking shall be prohibited for a minimum of 20 feet on the approach sides of a crosswalk. Parking may also be prohibited for 20 feet on the departure side, as well.
4. At each approach of signalized intersections, parking may be prohibited up to 30 feet on the near side and 20 feet length on the far side.
5. At any electronic traffic control device installed along arterials and collectors, parking may be prohibited up to 20 feet on each side of the device. 10 feet may be used if it is sufficient for visibility of the device.
6. Within 100 feet of any intersection, the parking of tall vehicles may be prohibited when the Public Works Director has determined that the parking of such vehicles is creating a hazard. The limiting height shall be based on the current California Vehicle Code, engineering sign standards, and engineering practices for the prohibition.

2/15/24 email from Chair Fischer to Ken Jung:

From: Rena Fischer <berkeleycod@renafischer.org>
Sent: Thursday, February 15, 2024 10:30 AM
To: Gregory, Thomas <TGregory@berkeleyca.gov>
Cc: Campos, Guillermo <GCampos@berkeleyca.gov>
Subject: Fwd: Commission on Disability: Feedback and Thanks

Thomas,

Please forward this email in its entirety to Ken Jung.

Ken,

(According to City rules, contacting City staff, as Chair of the Commission on Disability, must be done through the Commission's Secretary, so I have asked Thomas to forward this email.)

Once again, thank you for your September, 2023 presentation on the Ohlone Greenway project.

It's been five months of continued work on the project. I hope to confirm, with this email, that the two points emerging from the discussion are being incorporated into the design process:

1. The design, as it is moving forward, includes paved shoulders that will increase the total paved width of the path by 4', except through the grove of trees in Cedar Rose Park.
2. The Commission on Disability will have the opportunity to provide input on "share-the-path" signage and other communications, for example painted surfaces and other ideas being developed.

Thank you for your reply — and work on this important project.

—Rena Fischer, Chair
Commission on Disability

2/23/24 email from Ken Jung to Chair Fischer:

From: Jung, Kenneth <KJung@berkeleyca.gov>
Sent: Friday, February 23, 2024 1:47 PM
To: Gregory, Thomas <TGregory@berkeleyca.gov>
Cc: Campos, Guillermo <GCampos@berkeleyca.gov>; berkeleycod@renafischer.org <berkeleycod@renafischer.org>
Subject: RE: Commission on Disability: Feedback and Thanks

Thomas,

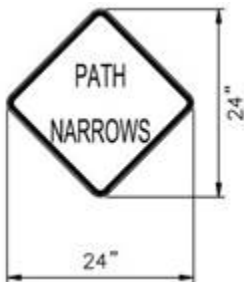
My responses below in red.

1. The design, as it is moving forward, includes paved shoulders that will increase the total paved width of the path by 4', except through the grove of trees in Cedar Rose Park.
Confirmed; the design includes paved shoulders.
2. The Commission on Disability will have the opportunity to provide input on "share-the-path" signage and other communications, for example painted surfaces and other ideas being developed.

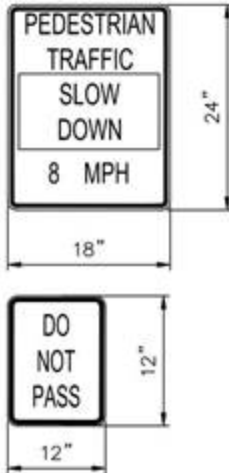
We plan to install Share the Path pavement markings as below, in both directions along the pathway, at the start/end of each block (between streets).



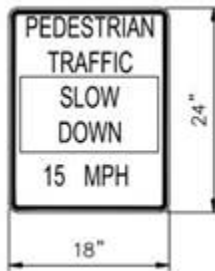
Where the pathway narrows in Cedar Rose Park, we would have "Path Narrows" signage.



In Cedar Rose Park, we are also considering "8 mph" and "Do not pass" signage.



Elsewhere along the pathway, where it is not as narrow, we plan to have “15 mph” signs.



Regards,

Ken Jung, PE, GE
Supervising Civil Engineer
City of Berkeley
Public Works Department – Transportation Division
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